

Minutes of: CABINET

Date of Meeting: 21 July 2021

Present: Councillor E O'Brien (in the Chair)
Councillors R Gold, C Morris, A Quinn and A Simpson

Also in attendance: Councillors N Jones, M Powell, M Smith, C Birchmore and J Rydeheard

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor C Cummins, Councillor J Mason, Councillor T Tariq, and Councillor T Rafiq

CA.105 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Clare Cummins, Councillor Tahir Rafiq, and Councillor Tamoor Tariq, and Councillor Mike Smith was substituting for Councillor James Mason.

CA.106 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA.107 PUBLIC QUESTION TIME

The following question was submitted in advance of the meeting by a member of the public, Krisila O'Neill:

How do you see closing another home to make savings in the long term this will affect other services? What happens to the social care portion of council tax because it keeps going up but this sector has more and more cuts year after year.

Responding, Councillor Andrea Simpson reported that Council tax does increase each year and so does the cost of caring for adults in the borough. Each year the cost of supporting adults goes up more than the council tax so in the absence of government funding each year we have to make savings to balance the budget.

The Council's overall aim is to keep providing current level of service but find less expensive and better ways of doing this. Data has shown that demand for both day care and short stay/ respite service has been on the decline since 2018 and we cannot continue to pay for provision that is not fully utilised.

Decommissioning capacity that is not used means savings can be delivered without reducing the amount of care and support we provide.

The following question was submitted in advance of the meeting by a member of the public, Francine Millar:

I am paying 1.99% more for council tax along with everyone else for social care. Can you explain where this money is going to? Plus you do have reserve money for rainy days this is surely a rainy day and needs to be released. People whom I have spoken to don't understand why social care is being treated in this way to close down an important home. Plus they didn't hear about this until I shared this with them.

Responding, Councillor Andrea Simpson reported that each year we spend £80m supporting vulnerable adults with care and support. Every 1% added to council tax for adult social care raises £860,000.

To ensure our care providers could pay the National Living Wage increases as mandated by Central Government and manage other inflationary pressures we need at least an extra £2.5m.

Therefore, you can see the adult social care precept does not keep pace with the cost of care and therefore each year we find savings to balance the budget. This has been the case each year for many years and we await the long-awaited central government plan to rescue Adult Social Care. Until we see this then our need to deliver savings will likely continue and depending upon what the plan says may need to continue even longer.

The council does have some reserves and is using them to reduce the amount of savings made already.

Considerable effort was made to advertise the consultation, this included:

- A detailed letter and survey, sent to 701 Persona customers.
- Information published on the Council's Consultation and Engagement site One Community.
- A Council press release issued on the 24th May.
- Published the consultation on Council social media platforms.
- Information on the consultation launch was shared with local councillors, social care workforce, care providers, a range of stakeholders and via various networks, encouraging them to share the information.

The proposal to reduce the unused beds in short stay/ respite was built on data indicating there is an over-supply of beds. Data for the period 2018/19 and 2019/20 shows a trend of declining occupancy at both buildings.

The following question was submitted in advance of the meeting by a member of the public, Laura Faulkner:

Public consultation report has been issued and the outcome is that 77% of the public voted against the closure and yet the proposal is still going ahead. What is the point of a public consultation if the public's voice isn't being listened too? Basically it sounds like the decision had already been made before the public consultation and this was just a process that the council had to go through!

A further supplementary question was submitted: The building was left/donated by former councillor Fred Spurr on the provision that it stays as an older adults'

hostel. Apparently bury council can have this lifted which is going to cost money! Where Fred's loyalty in this?

Responding, Councillor Andrea Simpson reported that yes, the feedback to the 'yes/no' question is negative. We know that this question was answered multiple times by a small number of individuals, and we must take this into account when considering it.

The proposal is to decommission beds that are not fully used which the council pays for. The council cannot afford to pay for services it does not need and are not fully used therefore the recommendation is still to decommission these services.

In response to the supplementary question, she reported that the council would take into account the land covenant when it identifies a future use for the land.

The following question was submitted in advance of the meeting by a member of the public, Sean Hall-Moore:

What gives you the right to dismiss a 10,000 strong petition to save the greenbelt?

A further supplementary question was submitted: When will this council listen to the people of the borough?

Responding, Councillor Eamonn O'Brien reported that, for clarification, the Council has not received a petition with 10,000 signatures on this issue, but we do take listening to people seriously and this is exactly why this plan has been consulted on, on a number of occasions, and will be again following decision tonight.

There is opportunity for members of the public to have their say. Not only do they have their say through the consultation, but there is a robust public examination of this plan as part of the process whereby evidence is brought forward, listened to by the planning inspectors who are experts and independent of the council, and make a judgement ultimately on the soundness of the plan. Representations of the public can be made through that forum as well.

Ultimately, we do need a plan, primarily because if we don't have one, we are at the whim of the government intervening in our planning authority and we're at the whim of developers who would have the opportunity for a free-for-all on not just some parts of the borough and its greenbelt, but all of it. And that's why this report proposes to meet the requirement of having a plan and why it's so important. We've tried, twice, in 2011 and 2014, to produce a local plan that did not release any greenbelt but this did not meet housing targets set at that time and would not have been accepted.

So it's clear that while public can continue to have their say on this, we have a job in hand, one that must be continued.

The following question was submitted in advance of the meeting by a member of the public, Julie Halliwell:

Bradshaw Road has no footpaths, cottages directly adjacent to the road, blind and sharp bends, single track sections and is unsuitable for HGVs. It has been described as 'dangerous' by Bury MBC officers and as 'notorious' by a senior fire officer. It is however used as a main route from the Walshaw direction towards north Bolton, Edgeworth, Blackburn etc and is a route sat navs advise. Despite the growing list of issues nothing within the proposed PfE has any form of relief for traffic heading in this direction despite a proposed additional c5000 houses. The only mention of Bradshaw Road, despite the concerns, is the designation of the road as a 'cycle route'. What assurances can members provide that the concerns of residents, officers and the fire service have/will be taken into account should any housing developments be proposed?

Responding, Councillor Eamonn O'Brien reported that in considering the proposals and formal planning applications for new housing developments, the planning and highways officers are required and compelled to consider highway and fire safety issues. Developments will be required to ensure that appropriate mitigation will be put in place where required.

With specific reference to the Bradshaw Road area, the Council is aware of the incidents referenced and Highway Officers have already met with residents to discuss plans and potential mitigations.

We are looking at our current road safety programme, which we hope to deliver over the next few years and consideration will be given to all of these sites of concern.

Additional measures and mitigation will further be developed and implemented as required.

The Council can therefore give the assurance that the concerns of residents and other stakeholders will be given full regard if and when future developments come forward.

The following question was submitted in advance of the meeting by a member of the public, Stephen Cluer:

Back in 2018 Bury Council put together a local housing topic paper using the 2016 ONS housing projection figures which outlined 6500 homes would be required between 2017 to 2037. Since then even more up to date figures have been released by the office of national statistics which now project 5,949 homes between 2022 to 2037 in a 15 year plan. I am fully aware that the national planning policy framework is based upon 2014 projections which are now 7 years out of date but as stated numerous times they are not mandatory and are just a starting point for councils to work from. Where constraints exist like greenbelt land that prevent a council from meeting their targets these should be considered and accepted by a housing inspector. Why does this council cabinet continue to support a plan to release vast areas of greenbelt land to accommodate excessive development unnecessarily?

A further supplementary question was submitted: Does the council cabinet consider the places for everyone plan to be positively prepared, justified, effective over the period of the plan and in accordance with national planning policy?

Responding, Councillor Eamonn O'Brien reported that with regards to the housing figures we are expected to be used and through which the government has set us the target of, it's true that in the 2018 topic paper we were looking at more recent figures than those initially at 2016, however, that topic paper was prepared prior to the introduction of the government's standard method for assessing housing need. It was overridden by changes from the government.

Since then, the government has introduced the standard method for assessing housing need and that comes are part of their commitment that can be found in the government's manifesto to deliver 300,000 homes nationally. Development plans, including those like the one before us this evening, must be prepared in accordance with national planning policies which are what the plan will be tested on at the examination stage.

The Government's policy is therefore clear that local planning authorities are expected to follow the standard method, based on the 2014 household projections and should only depart from this in exceptional circumstances. The suggestion from the questioner that these are not mandatory sadly is not the case. In fact, a letter in April from the Senior Planning Officer from the Ministry of Housing, Communities and Local Government, who are essentially the people who determine these policies and who would effectively determine the fate of these plans, says, in relation to a letter of concern about their housing targets: "to get enough homes built in the places where people and communities need them, a crucial first step is to plan for the right number of homes. The standard method for assessing housing need was introduced to simplify the process of assessing housing need. The current standard method provides a minimum number of homes, not a maximum." And so we can debate the nuances of language, but it's clear when the Senior Planning Officer from MHCLG says this is a minimum, that this is a target.

The letter goes on to say, in relation to concerns about the figures specifically: "In relation to your points about the use of more recent household projections, the government has carefully considered whether to use the household figures from 2018 and has concluded that, in the interests of stability for local planning and for local communities, it will continue to expect only the use of the 2014 based projections." So not only does this letter from April from the Senior Planning Officer from MHCLG confirm they are minimum target it confirms the figures must be based on the 2014 set of household projections.

It would be wrong to work under the assumption that these are not mandatory and that these are not, at the very least, a minimum target. Therefore, whilst working with these projections and these targets, we do find ourselves with the constraints of releasing greenbelt. I understand Mr Cluer's concerns because there is relatively strong language in some of what the government says about protecting the greenbelt and how that may be considered a method through which plans can be set without releasing it. However, recent evidence from a few weeks ago that would be of concern to anybody who thinks the government will protect the greenbelt by rejecting plans. The Senior Planning Inspector in the case of

Hertfordshire Council, who are trying to set their own local plan, recently determined that housing need trumped the protection of greenbelt. These were his words in the debate he was having in that Council over their own local plan, in talking about the consideration of housing need he says: "the release of greenbelt does not negate the overarching consideration that the principal of greenbelt land release is justified by the scale of unmet housing need and this can only be fulfilled by this course of action." In effect he's saying 'you can't produce a plan, as this Council was seeking to do, that did not meet the housing need and hide behind reasons of the greenbelt. He says: "If the Council were to continue with this," or [he] did not hear anything further about their plan, he would have to: "write a report confirming that the submitted plan is unsound and so cannot be adopted."

This is not unfamiliar territory. This is precisely the position we were in back in 2011 and 2014 when the Council tried to set two different local plans both of which released no greenbelt, neither of which met the government's housing target. So we cannot view the figures as not mandatory, owing to the evidence from the Senior Planning Officer, and we cannot say greenbelt is a reason not to meet our housing need, owing to the evidence from the Planning Inspector.

In response to the supplementary question, Councillor Eamonn O'Brien reported that yes, the places for everyone plan is considered to be positively prepared, justified, effective over the period of the plan and in accordance with national planning policy. It is this which will be tested at the public examination which is precisely why we should be continuing through this process, following the eight-week consultation, as it is only at that examination we will get the clarity, away from politics, from the independent planning inspectors who will make the determination as to whether or not this plan is sound.

CA.108 MEMBER QUESTION TIME

The following question was submitted in advance of the meeting by Councillor Carol Birchmore:

For some time now Bury Council has been claiming that it is committed to a brownfield first policy. However I would like you to consider the following:

- Out of the £97 million Greater Manchester Brownfield Housing fund Bury Council have so far only managed to secure only £1.4 million whereas Bolton, Manchester, Rochdale and Wigan have all secured over £10 million each.
- Bury Council failed in its bid to secure funding from the Brownfield Housing Fund for the largest brownfield site in Bury i.e. 400 houses on the East Lancashire Paper Mill site.
- Despite identifying brownfield sites for over 4,000 homes in Bury, the Council has failed to meet its Housing Delivery Targets and at 52% of target it has achieved the poorest performance amongst all the Greater Manchester councils.
- The topic papers for both the Elton Reservoir and Walshaw greenbelt sites, talk about first completions on those sites in 2025. Considering how long it takes to put planning applications through the system and site land

preparation this would indicate a proposed immediate start on the process of building on greenbelt as soon as Places for Everyone is approved.

Considering this the following questions need to be asked:

1. Why has more effort not been put in by the Council to ensure that brownfield sites are in a shovel ready state for development?
2. Why is the Council not using its own brownfield sites to build affordable homes by setting up wholly owned house building company similar to the one set up by Salford Council? (Derive)
3. Do you agree that the claim of a brownfield first policy as at best questionable?

Responding, Councillor Eamonn O'Brien reported that the Council has brought several reports around our brownfield strategy including the success we've had in applying for brownfield funding and in starting on site as much as possible needs to happen in an accelerated time. Underneath all of that the Council has been developing its own Business Growth and Infrastructure directorate, something that did not exist for a number of years. The capacity, the resource, the skills, the expertise we've brought into that have now put us in the position where we are far more capable of delivering these brownfield sites. Prior to that in-house capacity, much of the Council's strategy relied on disposal of the land directly to housing providers for development. We wanted to make sure we were taking a more active approach, intervening in these brownfield sites, developing as much affordable and eco-friendly housing as we can.

One of the reasons we have secured less money than some of our neighbours is because we have less brownfield land than they do. Boroughs with larger brownfield sites are able to bid for larger sums of money. Our biggest brownfield site is 400 homes; our neighbours have multiple sites of well over 1000 homes. Considering our starting point and our present circumstances, we have competitively bid and been successful in five cases, which is approximately the same as our neighbours albeit smaller.

We have made progress on the East Lancashire Paper Mill site, a report on the partnership and collaboration with Homes England came to Cabinet, and one of the benefits of working so closely with them is that they can access funding that we can't, can use their resources and skills to do so., and that their sole purpose is to get on with the delivery of these housing sites and are therefore best placed to chase down that funding. We do have to acknowledge that it is a complicated site and therefore using their expertise, skills and capacity as well as their connections with government funding streams is sensible and will produce far better results for us and allow us to focus our efforts in other places.

With regards to a Council-owned housing company, it's an interesting idea and one we have discussed over the years and is an option available to us. One of the reasons we have not, at this stage, pursued it is because it is naturally something that takes time, effort, new capacity, resources, and skills that we would have to build into it. We've decided to go a different route, but by going down a company route we would have to use even more time to get it up and running before we could start to deliver. We've accepted that we want to get on with this as quickly as possible.

In addition, we may not need a company to secure the outcomes we would like to see. Much of what Salford are producing we can deliver ourselves in our current set up. We have ALMO and Six Town Housing arm and are working closely with them, having just re-established that relationship through the housing review. There is a lot we can achieve together and now we have a strategic housing group to bring together both sides of that from a housing services and strategic housing purpose where we can work together on schemes where there is mutual interest, getting the best of both worlds in terms of growth and housing service.

We are still in a strong position to get the outcomes that Salford are getting, acknowledging that they have much more brownfield land than we do and they have more capacity to deliver on bigger sites. Overall, there is our town centre masterplan work, we're bringing forward Bury town centre, we already have the Radcliffe one, we're working on Prestwich as well, alongside East Lancashire Paper Mill and other brownfield sites, and the accelerated land disposal scheme – we are taking our commitment to brownfield first incredibly seriously and wouldn't accept it is a questionable thing. Where we are in control of doing brownfield first, that is precisely what we're doing. I'm sure we'd all like to see brownfield first be a national policy as not all sites are in the Council's ownership, there are private sites as well we should be encouraging to come forward. That would take action from the government and unless they're willing to act and establish brownfield first as the national plan, we will be in this position where a Council can have it as a policy but can't insist upon it at a planning application stage.

The following question was submitted in advance of the meeting by Councillor Jackie Harris:

Can the Cabinet member for operations please provide details of the highways and Infrastructure forward plan for the Borough including details of road resurfacing, street gullies clearing and pothole repairs.

Responding, Councillor Alan Quinn reported that the resurfacing schemes 2021/22 (completed, committed, planned) represents around £4m of resurfacing works. Please be aware not all proposed schemes may go ahead as many issues can frustrate the programme (e.g. utility companies).

Bury has 660km of roads, for that we should get around £6m from the Department of Transport to keep them in a standstill state. Since 2010 we've received a third of that, and therefore we took the decision to borrow £20m over two years for the Highway Infrastructure Strategy One and Highway Infrastructure Strategy Two.

Completed (Department of Transport monies)

- Lever Street , Radcliffe
- Alma Street, Radcliffe
- Meadowcroft, Radcliffe
- Walshaw Road, Bury
- Harlech Avenue, Prestwich
- Hastings Road , Prestwich
- Hillcrest Road, Prestwich
- Ravensway, Prestwich

- Sandy Meade , Prestwich
- Heywood Road, Prestwich

Completed (funded by Highway Infrastructure Strategy)

- Westminster Avenue, Radcliffe
- Woodhill Road, Bury West
- Alston Street, Bury West
- Mitchell Street, Bury West
- Stewart Street, Bury West
- Woodbank Drive, Bury West
- Monmouth Ave, Bury East
- Mosley Avenue, Bury East
- Tennyson Ave, Bury East
- Townside Row, Bury East

Underway/Committed (Department of Transport monies)

- Wood Road Lane, Ramsbottom
- Radcliffe Road, Bury East

Underway/Committed (funded by Highway Infrastructure Strategy)

- Cornwall Drive, Bury East
- Glebelands Road, Prestwich
- Park Road, Prestwich
- Derby Way, Bury East

Planned (Department of Transport monies)

- Albert Street, Ramsbottom
- Tor Avenue, Ramsbottom
- Bury Old Road, Radcliffe

Planned (funded by Highway Infrastructure Strategy)

- Moorway, Ramsbottom
- Westgate Ave, Ramsbottom
- Buckingham Drive, Bury West
- West Ave , Whitefield
- Bass Lane, Ramsbottom
- Walmersley Road, Ramsbottom

Growth Deal 2 Schemes (£4-5m funding by GMCA)

- Market Street/Angouleme Way CYCLOPS Junction - underway.

Gully cleansing

- We operate a cyclic gully cleansing regime whereby we endeavour to attend to all 44,000 highway gullies annually. In order to maximise efficiency we do not deviate from this cyclic regime to attend to blocked gullies unless there is a risk of flooding to adjacent properties or to the highway in a manner that endangers road users.

Potholes

- Highway safety defects, including potholes are repaired in accordance with our formally approved "Highway Safety Inspection Policy". So far this financial year, Streetscene have completed in excess of 3,000 pothole repairs.

Mayor's Challenge Fund/Active Travel Schemes (some dependent on consultation outcomes)

- Roch Valley Greenway Bridge (Gigg Mills) - MCF
- Filtered Neighbourhood (Fishpool) - ATF2
- 5 crossings (Sheepfoot Lane, Heys Road, Thatch Leach Lane, Ainsworth Road, Church Street) - SSSL
- Jubilee Way/Manchester Road junction - MCF
- Bury Old Road/Heywood Road junction - MCF

CA.109 MINUTES

It was agreed:

Minutes of the meeting held on 30 June 2021 be approved as a correct record and signed by the Chair.

CA.110 MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the minutes of the Overview and Scrutiny meeting held the previous evening which had been tabled for Members.

The Committee had agreed the following resolution: "The scrutiny committee advises the Cabinet to reject the Places For Everyone model like Stockport has and pursue a Bury local plan."

The Leader advised this would be addressed during discussions of the next item on the agenda.

It was agreed:

Minutes and resolution of the Overview and Scrutiny meeting held on 20 July 2021 be noted.

CA.111 PUBLICATION OF THE 'PLACES FOR EVERYONE' PLAN

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which presented proposals for the Publication of a joint Development Plan Document of nine Greater Manchester (GM) districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan), to be known as 'Places for Everyone' (Pfe).

With regards to the recommendation from Overview and Scrutiny Committee, it was noted that working collaboratively had enabled Bury to off-set 2,228 homes from our Local Housing Need to other districts which would otherwise have to be

accommodated within the Borough. To withdraw from the plan would therefore result in further pressures on greenbelt land to site those homes. The collaborative plan also secured infrastructure investment from developers, which was lost if Bury withdrew from the joint plan.

In response to Members' questions, it was noted that not every brownfield site was appropriate for housing development, with some (such as the former fire station site) better utilised in developing the local economy. In response to further questions, it was noted that residents' views were being listened to, and this plan addressed the long-term needs for communities whilst protecting the vast majority of the greenbelt. The plan benefitted Bury, allowing us to shift our housing needs to other areas and prevent further need to release greenbelt land, and giving us greater power to dictate to developers.

With regards to the consultation, the plan would be subject to an eight-week period of public consultation, including online engagement methods as well as a range of other steps to ensure sections of the community that don't have internet access can get involved in the process. Following this consultation, and subject to the approval of Council, the Places for Everyone plan would be formally submitted to the Government alongside all supporting evidence and responses received during consultation. The Government will then appoint a Planning Inspector (or a panel of Inspectors) to undertake a Public Examination of the plan and this would also take into account all consultation responses and evidence submitted by residents. It was noted that the Council were unable to make changes to the plan but the Planning Inspectors can make alterations based on this evidence.

Decision:

That, subject to the Joint Committee agreeing that the plan has substantially the same effect and recommending the plan to the districts, Cabinet:

1. Approves the Places for Everyone: Publication Draft 2021, including strategic site allocations and Green Belt boundary amendments, and reference to the potential use of compulsory purchase powers to assist with site assembly, and the supporting background documents, for publication pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for an 8-week period for representations to begin not earlier than 9 August 2021; and
2. Delegate to the Director of Economic Regeneration & Capital Growth authority to approve the relevant Statement of Common Ground(s) required pursuant to the National Planning Policy Framework 2019.

Reasons for the decision:

It is considered that working with the other eight participating districts on PFE 2021 brings a number of important advantages including an up-to-date plan, a stronger local economy, significant infrastructure investment, and reduced impact on the Green Belt. It is important to recognise that if the PFE Joint Plan did not exist or if Bury were not a participant in the process, the strategic matters that are currently dealt with through the GMSF would still need to be covered by the Local Plan. However, the advantages of collaborative working would be lost.

Other options considered and rejected:

For Bury to withdraw from the PFE process and to only produce a Local Plan. The Council has tried to get a replacement Local Plan in place in both 2011 and 2014

but were met with significant challenge as to whether these plans met Bury's housing needs. The Council chose to pursue the approach recommended by the Inspector undertaking the examination of the Local Plan in 2014 and focus efforts on the preparation of the GMSF before making significant progress on a Local Plan.

CA.112 THE COUNCIL'S FINAL OUTTURN POSITION FOR 2020/21

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which set out the final financial position for the Council for 2020/21, covering the position for both revenue and capital and providing an analysis of the variances, both under and overspending.

In response to Members' questions, it was noted that grants received over the past year covered the initial cost implications from Covid but were a one-off and so ongoing challenges and budgetary pressures remained. Internal governance was improving, reflected in audit reports, and would be finalised now the permanent Director of Finance post had been appointed to. Finally, it was noted that the Council needed to get back to collecting as much Council Tax and Business Rates as possible, whilst still being sensitive to the ongoing impacts the pandemic had on residents, businesses and communities.

Decision:

That Cabinet:

1. Note the final underspend on the revenue budget of £13.605m. It should be noted that £11.1m was always planned due to the reduced contribution to the pooled fund of £10.5m and the £567k planned contribution to the general fund. The balance is as a consequence of the very late receipt of Government funding during 2020/21 to support the financial impacts of the pandemic.
2. Note that the £10.5m reduced contribution to the pooled fund was agreed at the end of the last financial year, when the Council made an additional contribution to the pool of the same value as a mechanism of accessing additional funding for the CCG;
3. Approve the net allocation to reserves of £48.982m and note that this is factored into the out-turn position;
4. Note the Covid 19 reserve for future use for Covid 19 cost pressures in addressing the ongoing impacts of the pandemic on the vulnerable residents of our population and supporting Council services where there are losses of operating income;
5. Note the final position on the collection fund;
6. Note the final position on reserves of £130.172m at the end of 2020/21, split £74.849m general, £67.885m earmarked and (£12.562m) schools;
7. Note expenditure of £27.233m on capital programmes during the year and the outcomes achieved;
8. Note the slippage of £13.297m on the capital programme and approve that this can be carried forward and added to the 2021/22 capital programme.
9. Note that the final treasury management outturn report will be presented to Cabinet in September 2021.

Reasons for the decision:

The continuation of the Covid pandemic and the additional measures that have been put in place, both nationally and across the Greater Manchester region, in response to this has impacted significantly on demand for services and loss of income. There remain some considerable challenges as a result of COVID-19 and the use of available funding and the impact on the financial position in 2021/22 will need continuing close monitoring.

Other options considered and rejected:

N/A

CA.113 CAPITAL PROJECT STAGE II APPROVAL, DERBY HIGH SCHOOL, PHILIPS HIGH SCHOOL - PART A

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which set out capital projects at The Derby High & Philips High schools, for which financial provision is made through the 2021/22 and 2022/23 Children's Services Capital Programme.

Decision:

That Cabinet note the programmes of investment.

Reasons for the decision:

The project costs are within the identified capital programme budget.

Other options considered and rejected:

N/A

CA.114 BUSINESS GROWTH AND INFRASTRUCTURE DEPARTMENT

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which sought approval for the next stage of development of the Business Growth and Infrastructure (BGI) department.

Decision:

That:

1. The Council's housing functions be organised within the Business Growth and Infrastructure department, as set out in this report.
2. The post of Director of Housing and Development be deleted.
3. A new post of Assistant Director of Housing be established. The post has been evaluated at Chief Officer (Band C).
4. The structural changes to housing functions, as detailed in section 4 of this report be approved.
5. The structural changes within the regeneration and development functions of the Business Growth and Infrastructure department in, detailed in section 5 of this report be approved.

Reasons for the decision:

- The changing policy context, especially the Housing White Paper and the responsibility it will place on the Council.

- The appointment of an experienced senior housing leadership within the Council will provide focus for the service and for other partners including the ALMO.
- The appointment of an experienced Assistant Director (Regeneration Delivery) in BGI has opened the route to better enable the Council to deliver residential growth through partners and the private sector whilst generating receipts.
- A strengthened intelligent client function will enable a clearer understanding of performance in both the ALMO and in housing services.
- A comprehensive housing service allows depth in housing knowledge to join up both physical and people-based strategies across public services.
- It allows a focus on residential development across all tenures and sectors and enables a much broader base of partners to be engaged.
- By enabling residential development rather than direct delivery, the service will lever external funding and skills and places risk in the right places.

Other options considered and rejected:

To carry on as is with transfer of all Housing functions apart from development to Six Town Housing (STH). This option has been rejected for a number of reasons, including the current policy context; Let's Do It; the new Housing Strategy; and the Housing White Paper, the low performance of residential development by the Council, the unique nature of the proposal and risk i.e., there are no other ALMO's that have taken on this scale of service in one single transfer, an underlying lack of understanding around ALMO performance and cost, and that the Housing Revenue Account is coming under pressure and it is vital that the Council is able to take a more proactive role in developing its HRA 30-year Business Plan than it has done to date in order to ensure any investment decisions are affordable.

CA.115 PROPOSED SAVING OPTIONS FOR ADULT SOCIAL CARE: OUTCOMES OF THE PUBLIC CONSULTATION

Councillor Andrea Simpson, the Cabinet Member for Health and Wellbeing, presented the report which outlined the details, findings, and recommendations of the public consultation regarding the council's arm's length provider Persona Care and Support Limited.

Members discussed the report in the context of social care as a national issue and lack of central government funding. In response to questions, it was noted financial and legal details surrounding the covenant on Spurr House could be circulated outside the meeting.

Decision:

That Cabinet approve the following proposals:

- **Proposal 1 – day care**
Reduce the number of unused places in the day care service. Close Pinfold Lane Centre and relocate the dementia day service to a designated area at Grundy.
- **Proposal 2 – short stay/ respite**
Reduce the number of unused places in the short stay service, closing Spurr House leaving Elmhurst open for short stay care.
- **Proposal 3 – all age disability services**

Further explore a multigenerational disability assessment and care management service and if co-production indicates bring forward an options paper.

Reasons for the decision:

Due to the significant financial challenge facing the Local Authority, Adult Social Care has proposed savings schemes totalling £12.4million. Understandably as a large proportion of the Adult Social Care budget is spent on our arm's length provider Persona Care and Support Limited, this contract must be reviewed and reduced to help achieve the savings. The current savings requirement for Persona Care and Support Limited is £2.5m over the next two financial years.

Other options considered and rejected:

Alternative savings proposals submitted would not deliver the amount of savings required and would not ensure the council did not continue to pay for capacity within a block contract that was not needed or used.

CA.116 TRANSFORMATION STRATEGY

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which summarised the Council's work to establish the foundations for a Let's Do It! Internal transformation strategy to be delivered during 2021/22 and 2022/23.

In response to questions, it was noted that user experience improvements would be more than front-end changes, with wider system developments being a part of the improvements being made to the digital infrastructure. It was agreed that the Cabinet Member would meet with the Leader of the Opposition to discuss the strategy.

Decision:

That Cabinet:

1. Note the internal progress to date in developing the transformation strategy.
2. Endorse the overall proposed approach as a basis for action and approve investment proposals.
3. Note an updating report will be provided to cabinet in January 2022.

Reasons for the decision:

This report provides the 'blueprint' for the delivery of an ambitious transformation programme for Bury Council over the financial years 2021/22 and 2022/23. It includes the feedback and recommendations from Ameo and sets out the strategic objectives for the programme; the proposed architecture for the next two years and an outline cost/benefit analysis. This report builds and draws on all existing projects and work relating to transformation and brings it into a single programme.

Other options considered and rejected:

None.

CA.117 GM CLEAN AIR FINAL PLAN

Councillor Alan Quinn, the Cabinet Member for Environment, Climate Change and Operations, presented the report which set out the progress made on the Greater Manchester Clean Air Plan.

In response to a Member's question, it was noted that small businesses were vulnerable, but £5,000 grants were available to support retrofitting of vans. There might be a shortage of some models, the proposed final Plan will achieve compliance with the legal limits for Nitrogen Dioxide within Greater Manchester and by 2024 at the latest as required by the Ministerial Direction. but an extra year's grace has been secured to allow the market to develop and for supply to increase.

Decision:

That Cabinet:

1. Note the progress of the Greater Manchester Clean Air Plan;
2. Note the progress in the distribution of Bus Retrofit funding;
3. Note Ministers' agreement to include the sections of the A628/A57 in Tameside which form part of the Strategic Road Network within the Greater Manchester's Clean Air Zone (CAZ) and their request for Tameside MBC, TfGM and Highways England to establish the most appropriate solution for the charging mechanism to be applied on this section of the Strategic Road Network (SRN);
4. Approve the GM Clean Air Plan Policy, at Appendix 1 noting that the policy outlines the boundary, discounts, exemptions, daily charges of the Clean Air Zone as well as the financial support packages offered towards upgrading to a compliant vehicle, including the eligibility criteria to be applied.
5. Agree the Equalities Impact Assessment, as set out at Appendix 2;
6. Agree the AECOM Consultation Report, as set out at Appendix 3;
7. Agree the proposed Response to the Consultation at Appendix 4 which has been prepared by TfGM on behalf of the ten GM local authorities;
8. Agree the Impacts of COVID-19 Report, as set out at Appendix 5;
9. Agree the Modelling report of the final CAP package, as set out at Appendix 6, and in particular that the modelling outputs of the final plan scheme show the achievement of compliance with the legal limits for Nitrogen Dioxide in the shortest possible time and by 2024 at the latest as required by the Ministerial Direction;
10. Agree the economic implications of the CAP Report, as set out at Appendix 7;
11. Note the update on the GM Minimum Licensing Standards, set out in section 3.1, and in particular that licensing conditions will not be used to support delivery of the GM Clean Air Plan;
12. Approve a 6-week public consultation on the inclusion of motorhomes classified as MSP1 in the GM Clean Air Zone and on the inclusion of the A575 and A580 at Worsley commencing on 1 September 2021 and delegate authority to the Executive Director of Operations in consultation with the Cabinet Member for Environment, Climate Change and Operations to approve the consultation materials;
13. Note that the GM Clean Air Charging Authorities Committee has the authority to make the Charging Scheme Order which establishes the GM Charging Scheme in line with the agreed GM Clean Air Plan Policy;
14. Note that the GM Charging Authorities Committee has the authority to vary the Charging Scheme Order if this is established as the most appropriate

- charging mechanism to be applied on sections of the A628/A57 part of the Strategic Road Network (SRN) in Tameside;
15. Note that the Air Quality Administration Committee has the authority to agree the final form of the Operational Agreement for the Central Clean Air Service, and to authorise the making of the Agreement, on behalf of the ten GM local authorities;
 16. Note that the Air Quality Administration Committee has the authority to:
 - a) establish and distribute the funds set out in the agreed GM Clean Air Plan policy;
 - b) approve the assessment mechanism agreed with JAQU to ensure that Clean Air Funds can be adapted if necessary;
 - c) keep the use of the funds under review and to determine any changes in the amounts allocated to each and their use and
 - d) Monitor and evaluate the joint local charging scheme.
 17. Approve the reallocation of funding from the Try Before You Buy scheme to provide additional electric vehicle charging points dedicated for use by taxis;
 18. Delegate to the GM Charging Authorities Committee the authority to determine the outcome of the consultation on both the inclusion of motorhomes classified as MSP1 within the scope of Clean Air Zone charges and on the inclusion in the GM Clean Air Zone of the A575 and A580 at Worsley following the conclusion of that consultation;
 19. Agree the Clean Air Zone ANPR and signage locations, as set out at Appendix 10;
 20. Agree a delegation to Executive Director of Operations in consultation with the Cabinet Member for Environment, Climate Change and Operations to approve the submission of the Interim Full Business Case if required and the Full Business Case (FBC) to the Government's Joint Air Quality Unit to support the GM Clean Air Plan and any supplementary information to that Unit.

Reasons for the decision:

The ten Greater Manchester local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM), collectively referred to as "GM", have worked together to develop this Clean Air Plan to tackle NO₂ Exceedances at the Roadside, referred to as GM CAP. The core goal of the GM CAP is to address the legal requirement to achieve compliance with the legal Limit Value (40 µg/m³) for NO₂ identified through the target determination process in Greater Manchester in the "shortest possible time" in line with Government guidance.

Other options considered and rejected:

Throughout the development of the plan GM has considered a range of options to deliver compliance, overseen by the GM Steering Group, and to understand the type and scale of intervention needed to reduce NO₂ to within legal Limit Values in the "shortest possible time" across Greater Manchester.

CA.118 ADOPTION OF FIXED PENALTY NOTICES (FPNS) FOR FLY TIPPING OFFENCES

Councillor Alan Quinn, the Cabinet Member for Environment, Climate Change and Operations, presented the report which regarding new powers introduced into the

Environmental Protection Act 1990, which allow authorised officers of local authorities to issue on the spot fixed penalty notices (FPN's) offering offenders the opportunity to pay up to £400 for anyone caught in the act of fly-tipping, as an alternative to being prosecuted.

Decision:

That Cabinet:

1. Notes the contents of the report.
2. Approves the introduction of a Fixed Penalty Notice regime as provided for under section 33ZA of the Environmental Protection Act 1990 and sets the penalty charge at £400, with no reduction for early payment, and the option to pursue the matter in court.
3. Delegates to the Executive Director of Operations the power to authorise appropriate officers for the purposes of giving FPN's pursuant to this regime.

Reasons for the decision:

The Council can prosecute where there is evidence of fly tipping, but this is a lengthy process. We must meet both the evidential and public interest test when deciding to prosecute and a prosecution has to be proportionate to the offence, in line with our enforcement policy. This will allow the Council to take swifter action to tackle fly tipping in the borough and provides an alternative remedy to prosecutions where appropriate.

Other options considered and rejected:

The FPN could be set at a low fine level, or no amount set, where the default amount would be £200 as set out in the legislation. However, it is felt it needs to be set at the maximum to ensure it is a deterrent to fly tippers and the figure proposed is in line with other GM authorities.

CA.119 URGENT BUSINESS

There was one item of urgent business.

CA.120 DISTRIBUTION OF ADULT SOCIAL CARE INFECTION PREVENTION AND CONTROL AND TESTING FUND JULY 2021-SEPTEMBER 2021

Councillor Andrea Simpson, the Cabinet Member for Health and Wellbeing, presented the report which set out the urgent nature of the report. The Council is required to disseminate grant monies.

Decision:

That Cabinet approve the request to disseminate the grant monies in line with Department of Health and Social Care Grant requirements as follows:

- 70% of the Infection Prevention and Control Fund to Care Homes and Residential Drug and Alcohol settings (57.5%) and Community Care Providers (12.5%) such as high-risk Supported Living and Care at Home.
- 70% of the Rapid Testing allocation to Care Homes

This is in-line with the grant conditions set by the Department of Health and Social Care that also requires Local Authorities to disseminate the above within 20 days of receipt. Bury Council received these monies on 13th July 2021.

To distribute the remaining discretionary amounts of 30% and 30% respectively:

- Infection Control Fund – 30% (£153,939)
Allocated proportionately between the following:
 - Communal Neighbourhood Housing Support Services
 - Extra Care Services
 - In-borough day services
- Rapid Testing Fund – 30% (£82,986)
Allocated proportionately between the following:
 - Care at Home providers
 - Supported Living providers

Reasons for the decision:

Urgent approval is requested from cabinet to disseminate the grant monies within 20 days of receipt.

Other options considered and rejected:

No other options have been considered as action proposed is the only one in line with grant conditions.

CA.121 EXCLUSION OF PRESS AND PUBLIC

Decision:

That the press and public be excluded from the meeting under Section 100 (A)(4), Schedule 12(A) of the Local Government Act 1972, for the reason that the following business involves the disclosure of exempt information as detailed against the item.

CA.122 REDEVELOPMENT OF FERNHILL TRAVELLER SITE - PART B

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the Part B report which outlined the recommended route to invest and redevelop the site as a permanent traveller's site for the current occupiers.

Decision:

That Cabinet approves the recommendations in the report.

Reasons for the decision:

Councils are required by the Housing Act 2004 to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or travelling through, their area.

Other options considered and rejected:

There have been several attempts to find suitable alternative sites within the Borough. All other options have been investigated and discounted.

CA.123 CAPITAL PROJECT STAGE II APPROVAL, DERBY HIGH SCHOOL, PHILIPS HIGH SCHOOL - PART B

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the Part B report which set out the financial details for the capital projects at The Derby High & Philips High schools.

Decision:

That Cabinet note the programmes of investment.

Reasons for the decision:

The project costs are within the identified capital programme budget.

Other options considered and rejected:

N/A

COUNCILLOR E O'BRIEN

Chair

(Note: The meeting started at 6.00 pm and ended at 8.37 pm)